

Subordinate legislation - The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2024

Correspondence from Sustainable Inshore Fisheries Trust (SIFT), 26 February 2024

Dear Deputy Convener,

Clyde Cod

I write regarding the Scottish Government's decision to continue with the measures to protect spawning cod in the Firth of Clyde in 2024 and 2025 on the same basis as they were introduced in 2022 and 2023, and your committee's decision last week to defer a decision on this matter until its meeting of 28th February.

Lack of justification for prohibiting low impact fisheries

It is disappointing to see that, as per the changes introduced in 2022, low-impact creeling and diving have again been prohibited from the cod box. As before, this is being proposed without the provision of any evidence from Scottish Government or Marine Directorate to support the assertion that these fisheries have a significant impact on cod spawning success. As the Marine Alliance Science and Technology Scotland Fisheries Forum (MASTS FF) / Clyde 2020 Research Advisory Group (C2020 RAG) said in response to the consultation last time¹, "The justification for excluding creels from the cod box is lacking".

With regard to the impacts of creel fishing on the seabed, it is notable that this 2015 document from Marine Scotland², notes (p60) that, per kilo of Nephrops landed, trawling affects more than 18,000 times as much seabed as creeling. Without evidence to the contrary, the decision to again seek to close the Clyde cod box to a small number of creelers looks, to say the least, disproportionate.

In view of these concerns about the role of creeling in recovering cod stocks, I draw your attention to ongoing PhD research being undertaken by Ana Adao at Strathclyde University in conjunction with Marine Directorate, supervised by

¹ https://yourviews.parliament.scot/raine/the-sea-fish-ssi/consultation/view_respondent?_b_index=60&uuld=247263922

² <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2015/01/management-scottish-inshore-fisheries-assessing-options-change/documents/00467217-pdf/00467217-pdf/govscot%3Adocument/00467217.pdf>

Professor Mike Heath. The objective of the research could not be more relevant: “to provide stock assessment results for commercially important whitefish species and recommendations for recovery of these stocks in the Clyde”. I understand that the abstract from this research is already with Marine Directorate. If data from this research has not been provided to you, perhaps you might request it from Marine Directorate to inform any decision by your Committee.

Insufficiency of the cod box

Beyond our concerns about excluding the low impact fishery from the cod box, we are also concerned that the cod box is, by itself, insufficient to recover the cod stock. As the MASTS Clyde 2020 RAG submission in 2022 stated: 'There is no evidence that after 20 years the existing cod box spawning closure has had any effect in promoting recovery of the stock.' This has been known for some time. Scientists from Marine Scotland Science and University of Glasgow examined the effectiveness of seasonal closures on Clyde cod between 1986 to 2000, before the first implementation of a cod box, and afterwards, from 2001 to 2010. This study, which was published in 2015 ³concluded that 'there was no evidence of local recovery in terms of abundance, biomass, or reduced mortality in the Clyde more than a decade after establishing the closure'.

Possible reasons for this lack of recovery were the bycatch of young cod by the Nephrops fishery in the area, the predation rate by whiting, and - given the already severely depleted Clyde sub-population when the closure was implemented - that the cod box may have been 'too little and too late'.

The question of the adequacy of the cod box as a stand-alone measure is too complex an issue to address for the 2024 season, but we would strongly encourage both the Committee and Scottish Government to consider wider changes to cod recovery policy ahead of future seasons (including whether it is appropriate for changes to be made bi-annually rather than annually).

SIFT has long believed that a well-constructed Clyde Cod Order, based on science and not simply closing the fishery in its entirety, including to low impact fisheries, can play an important part in the recovery of the cod stocks on the Clyde. In conjunction with measures to control the bycatch throughout the Firth, this important fishery could recover and have substantial environmental and economic benefits, especially in terms of the diversification and resilience of the fishery.

For this to happen, given that this Order is a negative instrument, we understand the Committee would have to vote to annul, as per the proposal lodged by Rachael Hamilton MSP, and for Scottish Ministers then to lay a revised and improved version.

Yours sincerely

Charles Millar - Executive Director

³ <https://academic.oup.com/icesjms/article/72/9/2627/2458713>